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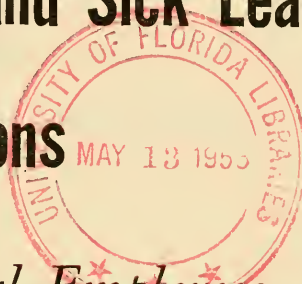


Annual and Sick Leave

Regulations

for Federal Employees

Pamphlet 38
DECEMBER 1954



This pamphlet contains the Annual and Sick Leave Act of 1951, as amended, and the Annual and Sick Leave Regulations, which are administered by the Civil Service Commission. Matters fully covered by the language of the law are, in general, not again covered by the regulations, which were drafted to implement the law. Since leave administration is both a personnel and a fiscal matter, the Civil Service Commission, employing agencies, and the General Accounting Office each have certain areas of authority and responsibility with respect to it. The Civil Service Commission issues the regulations required under the act. Each agency decides whether leave is to be granted in individual cases. And the General Accounting Office audits approval and use of leave. Many of the Comptroller General's decisions which affect administration of the law and regulations appear in chapter L-1 of the Federal Personnel Manual, which may be referred to in the personnel offices of many Federal agencies.

This material is current as of December 1, 1954.

UNITED STATES CIVIL SERVICE COMMISSION
Washington, D. C.

Annual and Sick Leave Regulations

Part 30, Title 5, Code of Federal Regulations

Subpart A—Definitions

SEC. 30.101 *Definitions.* (a) "Act" as used in this part means the Annual and Sick Leave Act of 1951, as amended (Title II, Public Law 233, 82d Congress, approved October 30, 1951, 65 Stat. 679, as amended by Public Law 102, 83d Congress, approved July 2, 1953).

(b) "Employee" and "employees" include officer and officers, respectively.

(c) "Pay period" shall include biweekly, semi-monthly, or other pay period when used in these regulations.

(d) "Accumulated annual leave" means the unused annual leave remaining to the credit of the employee at the beginning of the first complete pay period occurring in any calendar year.

(e) "Medical certificate" means a written statement signed by a registered practicing physician or other practitioner, certifying to the period of disability of the patient while he was undergoing professional treatment.

(f) "Contagious disease" means a disease ruled as subject to quarantine or requiring isolation of the patient by the health authorities having jurisdiction.

(g) The terms "agency" or "agency head" means "the heads or governing bodies" of the various governmental agencies.

(h) "Leave year" means the period from the beginning of the first complete pay period in the calendar year to the beginning of the first complete pay period in the following calendar year. However, the 1953 leave year began immediately following the last complete pay period in 1952.

Subpart B—General Provisions

SEC. 30.201 *Pay periods other than biweekly.* Employees who are paid on other than a biweekly pay period basis may earn and be credited with leave on a pro rata basis for a full pay period.

SEC. 30.202 *Minimum charge.* The minimum charge for leave shall be 1 hour and additional charges in multiples thereof. Under ordinary circumstances, unavoidable or necessary absence from duty of less than 1 hour, and tardiness, may be excused by the agency head for adequate reasons without charge to leave.

SEC. 30.203 *Leave with pay status.* Leave shall accrue to an employee while in a pay status.

SEC. 30.204 *Nonpay status.* Whenever a full-time employee's absence in a nonpay status within a leave year totals the equivalent of the base-pay hours in one pay period, the credits for sick leave shall be reduced $\frac{1}{2}$ day, and the credits for annual leave shall be reduced $\frac{1}{2}$ day, $\frac{3}{4}$ day, or 1 day according to the employee's leave-earning category: *Provided*, That no leave shall accrue to the credit of an employee who is in nonpay status for the entire leave year.

SEC. 30.205 *Change in length of day.* Whenever the number of hours of duty in a full-time employee's workday is permanently changed, the leave standing to his credit shall be converted to the proper number of hours based upon the new workday.

SEC. 30.206 *Separation of employees indebted for unearned leave.* In case of the separation of an employee who is indebted for unearned leave, the employee shall refund the amount paid him for the period of such excess, or deduction therefor shall be made from any salary due him. This section shall not apply in cases of death, retirement for disability, or in case an employee is unable to return to duty because of dis-

ability, evidence of which shall be supported by an acceptable medical certificate: *Provided*, That employees who enter active military service with restoration rights shall not be deemed as separated for purposes of this section.

Subpart C—Annual Leave

SEC. 30.301 *Overdrawn annual leave.* When-
ever, at the end of the leave year, reductions in annual-leave accruals under section 30.204 result in a final debit in the annual leave account, the excess amount may be carried forward for charge against leave earned in the following leave year, or, in the discretion of the employing agency, the employee may be required to refund the amount paid him for the period of such excess. This regulation may be applied to debits at the end of the 1952 leave year.

Subpart D—Sick Leave

SEC. 30.401 *Grant of sick leave.* Sick leave shall be granted to employees when they are incapacitated for the performance of their duties by sickness, injury, or pregnancy and confinement or for medical, dental, or optical examination or treatment, or when a member of the immediate family of the employee is afflicted with a contagious disease and requires the care and attendance of the employee, or when, through exposure to contagious disease, the presence of the employee at his post of duty would jeopardize the health of others.

SEC. 30.402 *Application for sick leave.* Written application for grant of sick leave shall be filed within such time limits as the agency may prescribe. Requests for sick leave for medical, dental, or optical examinations shall be submitted for approval in advance.

SEC. 30.403 *Supporting evidence.* Any grant of sick leave in excess of 3 workdays must be supported by a medical certificate, or other evidence administratively acceptable. For periods of absence of 3 workdays or less, the agency may accept the employee's certification as to the reason for the absence.

SEC. 30.404 *Sickness during annual leave.* When sickness occurs within a period of annual leave, the period of

illness may be charged as sick leave subject to the provisions of section 30.403.

SEC. 30.405 *Sick leave not advanced.* Sick leave shall not be advanced to an employee holding a limited appointment, or one expiring on a specified date, in excess of the total sick leave that would accrue during the remaining period of such appointment: *Provided*, That an employee serving a probationary or trial period shall not be construed as holding a limited appointment for purposes of this section.

Subpart E—Part-Time Employees

SEC. 30.501 *Accrual of annual leave.* Part-time employees for whom there has been established in advance a regular tour of duty on one or more days during each administrative workweek, and hourly employees in the field service of the Post Office Department shall earn annual leave as follows:

(a) Employees with less than 3 years of service shall earn and be credited with 1 hour of annual leave for each 20 hours in a pay status.

(b) Employees with 3 but less than 15 years of service shall earn and be credited with 1 hour annual leave for each 13 hours in a pay status.

(c) Employees with 15 years or more of service shall earn and be credited with 1 hour of annual leave for each 10 hours in a pay status.

SEC. 30.502 *Accumulated annual leave.* Part-time employees may accumulate not more than 240 hours' or 360 hours' annual leave on the same basis that full-time employees accumulate 30 or 45 days' annual leave.

SEC. 30.503 *Accrual of sick leave.* Part-time employees shall earn and be credited with 1 hour of sick leave for each 20 hours in a pay status.

SEC. 30.504 *Hours of work to be disregarded.* Any hours in a pay status in excess of the agency's basic working hours in any pay period shall be disregarded in computing annual and sick leave earnings of part-time employees, except that hourly employees in the field service of the Post Office Department shall be credited with leave to the annual maximum in accordance with the actual number of hours in pay status.

Subpart F—Home Leave

SEC. 30.601 *Home leave.* The leave provided for in subsection 203 (f) of the act shall be designated "home leave."

SEC. 30.602 *Creditable service for home leave.* Creditable service for purposes of accruing home leave shall include the period between the date of the employee's arrival at a post of duty outside the several States and the District of Columbia to which he is transferred or assigned and the date of his departure from any such post to return by transfer or assignment to a post of duty within the several States and the District of Columbia.

Subpart G—Recredit of Leave

SEC. 30.701 *Annual leave.* (a) When an employee is separated from a position under this act and reemployed in another position under the act, without a break in service, his annual leave account shall be certified to the employing agency for credit or charge.

(b) When annual leave is transferred between different leave systems under section 205 (c) of the act, or is recredited under a different leave system as result of a refund under section 1 of the act of December 21, 1944, as amended, 7 calendar days of leave shall be considered equal to 5 workdays.

(c) When an employee transfers to a position under a different leave system to which he can transfer only a part of his annual leave, the untransferred leave shall be recredited to him if he returns to the leave system under which it was earned, without a break in service of more than 52 continuous calendar weeks.

(d) When an employee transfers to a position (other than a position excepted from the act under sec. 202 (b) (1) (B), (C), or (H)) to which he cannot transfer his annual leave because the position is not under an annual leave system, the untransferred leave shall be recredited to him if he returns to the leave system under which it was earned, without a break in service of more than 52 continuous calendar weeks.

SEC. 30.702 *Sick leave recredit.* (a) Upon reemployment of an employee subject to this act who was

separated on or after January 6, 1952, without a break in service, or a break of not more than 52 continuous calendar weeks, the employee's sick-leave account shall be certified to the employing agency for credit or charge to his account.

(b) When sick leave is transferred between different leave systems under section 205 (e) of the act, 7 calendar days of leave shall be considered equal to 5 workdays.

(c) When an employee transfers to a position under a different leave system to which he can transfer only a part of his sick leave, the untransferred leave shall be recredited to him if he returns to the leave system under which it was earned, without a break in service of more than 52 continuous calendar weeks.

(d) When an employee transfers to a position to which he cannot transfer his sick leave, the untransferred leave shall be recredited to him if he returns to the leave system under which it was earned, without a break in service of more than 52 continuous calendar weeks.

SEC. 30.703 *Leave from former leave systems.* All leave which was earned under the Leave Acts of 1936 or under any other of the leave systems merged under this act, and to which the employee would have been entitled upon reentering or remaining in the same leave system, shall be recredited under this act: *Provided*, That leave already forfeited shall not be received by this regulation.

SEC. 30.704. *Restoration of veterans.* Any employee who leaves, or has left a position under the act to enter active military service and is reemployed in a position under the act, shall have his leave account certified for credit or charge: *Provided*, he is reemployed without a break in service or, with a break of not more than 52 continuous calendar weeks after separation from military service or from hospitalization continuing after discharge for not more than one year.

SEC. 30.705 *Restoration after appeal.* Any employee who is restored to a position as a result of appeal shall have the leave in his account at the time of separation certified for credit or charge.

Subpart H—Administration

SEC. 30.801 *Uncommon tours of duty.* Agencies which have employees who work 24-hour shifts, or other uncommon tours of duty, are authorized to promulgate supplemental regulations consistent with the act and the regulations in this part for administering leave for such employees.

SEC. 30.802 *Travel time for return to United States.* The travel time granted an employee pursuant to section 203 (c) shall be inclusive of the time necessarily occupied in traveling to and from his post of duty and his place of residence in any of the several States or the District of Columbia designated by the employee in his request for leave.

SEC. 30.803 *Responsibility for administration.* The heads of agencies to which this part applies shall be responsible for the proper administration of this part so far as it pertains to employees under their respective jurisdictions, and they shall maintain an account of leave for each employee in accordance with methods prescribed by the General Accounting Office.

Subpart I—Administrative Orders Relieving Employees From Duty

SEC. 30.901 *Purpose.* The purpose of the regulations in this subpart is to provide uniform and equitable standards under which regular employees compensated at per diem, per hour, or piecework rates may be relieved from duty with pay by administrative order.

SEC. 30.902 *Policy statement.* The authority in this subpart shall be used only to the extent warranted by good administration for short periods of time not generally exceeding three consecutive workdays in any single period of excused absence. This authority shall not be used in situations of extensive duration or for periods of interrupted or suspended operations such as ordinarily would be covered by the scheduling of leave, furlough, or the assignment of other work. Insofar as practicable, administrative orders issued under this subpart shall provide for regular employees compensated at per diem, per hour, or piecework rates, benefits similar to those granted to per annum employees.

SEC. 30.903 *Definitions.* (a) "Administrative order" means an order issued by an authorized official of a department or agency relieving an employee or employees from active duty without charge to leave or loss of compensation.

(b) "Regular employees" means those employees compensated at per diem, per hour, or piecework rates who have a regular tour of duty, and whose appointments are not limited to 90 days or less or who have been currently employed for a continuous period of 90 days under one or more appointments without a break in service.

SEC. 30.904 *Coverage.* The regulations in this subpart apply to regular employees of the Federal Government compensated at a per diem, per hour, or piecework rate. The regulations in this subpart do not apply to experts and consultants.

SEC. 30.905 *Standards.* Administrative orders may be issued under this subpart when: Normal operations of an establishment are interrupted by events beyond the control of management or employees; for managerial reasons when the closing of an establishment or portions thereof is required for short periods of time; it is in the public interest to relieve employees from work to participate in civil activities which the Government is interested in encouraging.

SEC. 30.906 *Supplemental regulations.* Departments and agencies are authorized to issue supplemental regulations not inconsistent with the regulations in this subpart.

Annual and Sick Leave Act of 1951

*Title II, Public Law 233, 82d Cong.,
approved October 30, 1951, as
amended by Public Law 102, 83d
Cong., approved July 2, 1953*

SEC. 201. This title may be cited as the "Annual and Sick Leave Act of 1951."

Coverage and Exemptions

SEC. 202 (a) Except as provided in subsection (b), this title shall apply to all civilian officers and employees of the United States and of the Government of the District of Columbia, including officers and employees of corporations wholly owned or controlled by the United States.

(b) (1) This title shall not apply to—

(A) teachers and librarians of the public schools of the District of Columbia;

(B) part-time officers and employees (except hourly employees in the field service of the Post Office Department) for whom there has not been established a regular tour of duty during each administrative workweek;

(C) temporary employees engaged on construction work at hourly rates;

(D) employees of the Canal Zone Government and the Panama Canal Company when employed on the Isthmus of Panama;

(E) commissioned officers of the Public Health Service;

(F) commissioned officers of the Coast and Geodetic Survey;

(G) doctors, dentists, and nurses in the Department of Medicine and Surgery of the Veterans Administration;

(H) officers and employees of the Senate and House of Representatives; and

(I) officers and employees of any corporation under the supervision of the Farm Credit Administration of which corporation any member of the board of directors is elected or appointed by private interests.

(2) This title, except section 203 (g), shall not apply to alien employees who occupy positions outside the several States and the District of Columbia.

(3) Section 204 of this title shall not apply to officers and members of the Metropolitan Police and the Fire Department of the District of Columbia.

(c) (1) This title shall not apply to the following officers in the executive branch of the Government and officers of the Government of the District of Columbia, including officers of corporations wholly owned or controlled by the United States:

(A) persons appointed by the President by and with the advice and consent of the Senate, or by the President alone, whose rates of basic compensation exceed the maximum rate provided in the General Schedule of the Classification Act of 1949, as amended;

(B) persons who receive compensation in accordance with section 411 of the Foreign Service Act of 1946; and

(C) such other officers (except postmasters, United States attorneys, and United States marshals) as may be designated by the President.

No officer in the executive branch of the Government and no officer of the Government of the District of Columbia, including an officer of a corporation wholly owned or controlled by the United States, to whom this title applies shall be deemed to be entitled to the compensation attached to his office solely by virtue of his status as an officer.

(2) The President, in his discretion, may authorize leaves of absence to persons who are exempted from this title pursuant to subsection (c) (1) (B) for use in the United States and its Territories and possessions. Leaves of absence authorized under this subsection shall not constitute a leave system, and no such leave of absence which is not used shall be made the basis for any lump-sum payment.

Annual Leave

SEC. 203 (a) Officers and employees to whom this title applies shall be entitled to annual leave with pay which shall accrue as follows—

(1) one-half day for each full biweekly pay period in the case of officers and employees with less than 3 years of service,

(2) three-fourths day for each full biweekly pay period (except that the accrual for the last full biweekly pay period in the year shall be $1\frac{1}{4}$ days) in the case of officers and employees with 3 but less than 15 years of service, and

(3) 1 day for each full biweekly pay period in the case of officers and employees with 15 years or more of service.

In determining years of service for the purposes of this subsection, there shall be included all service creditable under the provisions of Section 5 of the Civil Service Retirement Act of May 29, 1930, as amended, for the purposes of an annuity under such act and the determination of the period of service rendered may be made upon the basis of an affidavit of the employee. In the case of an officer or employee who is not paid on the basis of biweekly pay periods, the leave provided by this title shall accrue on the same basis as it would accrue if such officer or employee were paid on the basis of biweekly pay periods.

(b) Any change in the rate of accrual of annual leave by an officer or employee under the provisions of this section shall take effect as of the beginning of the pay period following the pay period, or corresponding period in the case of an officer or employee who is not paid on the basis of biweekly pay periods, in which such officer or employee completes the prescribed period of service.

(c) The annual leave provided for in this section, which is not used by an officer or employee, shall accumulate for use in succeeding years until it totals not to exceed 30 days at the beginning of the first complete biweekly pay period, or corresponding period in the case of an officer or employee who is not paid on the basis of biweekly pay periods, occurring in any year.

(d) Notwithstanding the provisions of subsection (c), a maximum accumulation not to exceed 45 days at the beginning of the first complete biweekly pay period, or corresponding period in the case of an officer or employee who is not paid on the basis of biweekly pay periods, in any year is authorized to the following categories of employees of the Federal Government, other than officers and employees in the Foreign Service of the United States under the Department of State, stationed outside the several States and the District of Columbia:

(1) Persons directly recruited or transferred from the United States by the Federal Government.

(2) Persons employed locally but (A) who were originally recruited from the United States and have been in substantially continuous employment by other Federal agencies, United States firms, interests, or organizations, international organizations in which the United States Government participates, or foreign governments, and whose conditions of employment provide for their return transportation to the United States; or (B) who were at the time of employment temporarily absent from the United States for purposes of travel or formal study and maintained residence in the United States during such temporary absence.

(3) Persons who are not normally residents of the area concerned and who are discharged from the military service of the United States to accept employment with an agency of the Federal Government.

(e) Where an officer or employee to whom the provisions of subsection (d) are applicable, or who is in the Foreign Service of the United States under the Department of State, and whose post of duty is outside the several States and

the District of Columbia returns to any such State or the District of Columbia on leave, the leave granted pursuant to this Act shall be exclusive of the time actually and necessarily occupied in going to and from his post of duty and such time as may be necessarily occupied in awaiting sailing or flight. The provisions of this subsection shall not apply with respect to more than one period of leave in any 24-month period.

(f) Officers and employees in the Foreign Service of the United States under the Department of State may be granted leave of absence, without regard to any other leave provided by this title, for use in the United States, its Territories or possessions, at a rate equivalent to 1 week for each 4 months of service outside the several States and the District of Columbia. Such leave may be accumulated for future use without regard to the limitation in subsection (c), but no such leave which is not used shall be made the basis for any terminal leave or lump-sum payment.

(g) Alien employees who occupy positions outside the several States and the District of Columbia may, in the discretion of the head of the department or agency concerned, be granted leave of absence with pay not in excess of the amount of annual and sick leave allowable under this title in the case of citizen employees.

(h) The annual leave provided for in this section, including such leave as will accrue to any officer or employee during the year, may be granted at any time during such year as the heads of the various departments and independent establishments may prescribe.

(i) Notwithstanding the provisions of subsection (a), an officer or employee shall be entitled to annual leave under this title only after having been employed currently for a continuous period of 90 days under one or more appointments without break in service. In any case in which an officer or employee completes a period of continuous employment of 90 days, there shall be credited to him an amount of annual leave equal to the amount which, but for this subsection, would have accrued to him under subsection (a) during such period.

Sick Leave

SEC. 204 (a) Officers and employees to whom this title applies shall be entitled to sick leave with pay, which shall accrue on the basis of one-half day for each full biweekly pay period.

(b) The sick leave provided for in this section, which is not used by an officer or employee during the year in which it accrues, shall accumulate and be available for use in succeeding years.

(c) Not to exceed 30 days' sick leave may be advanced in cases of serious disability or ailments and when required by the exigencies of the situation.

General Provisions

SEC. 205 (a) The days of leave provided for in this title shall mean days upon which an employee would otherwise work and receive pay, and shall be exclusive of holidays, and all nonworkdays established by Federal statute or by Executive or administrative order.

(b) An employee shall be considered for the purposes of this title to have been employed for a full biweekly pay period if he shall have been employed during the days within such period, exclusive of holidays and all nonworkdays established by Federal statute or by Executive or administrative order, which fall within his basic administrative work-week.

(c) Part-time officers and employees, unless otherwise excepted, shall be entitled on a pro-rata basis to the benefits provided by sections 203 and 204 of this title.

(d) The authorized absence of a rural carrier on Saturdays which occur within or at the beginning or end of a period of sick or annual leave of five or more days' duration (or 4 days' duration if a holiday falls within or at the beginning or end of the period of sick or annual leave) shall be without charge to such leave or loss of compensation. Saturdays occurring in a period of annual or sick leave taken in a smaller number of days may at the option of the carrier be charged to his accrued leave and when so charged he shall be paid for such absence.

(c) In the case of transfer of an officer or employee between positions under different leave systems (other than transfers involving positions exempted under section 202 (b) (1) (B), (C), or (H)), without a break in service, the annual and sick leave to the credit of such officer or employee shall be transferred to his credit in the employing agency on an adjusted basis in accordance with regulations to be prescribed by the Civil Service Commission.

Regulations

SEC. 206 The Civil Service Commission is authorized to prescribe such rules and regulations as may be necessary to provide for the administration of this title.

Repeals

SEC. 207 (a) The following acts or parts of acts are hereby repealed:

(1) The act entitled "An Act to provide for vacations to Government employees, and for other purposes," approved March 14, 1936 (49 Stat. 1161).

(2) The act entitled "An Act to standardize sick leave and extend it to all civilian employees," approved March 14, 1936 (49 Stat. 1162).

(3) Section 6 of the act entitled "An Act to reclassify the salaries of postmasters, officers, and employees of the Postal Service; to establish uniform procedure for computing compensation; and for other purposes," approved July 6, 1945, as amended (59 Stat. 435).

(4) The paragraph under the heading "Public Printing and Binding" in the act entitled "An Act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, and for other purposes," approved June 11, 1896 (44 U. S. C. 45), relating to leaves of absence of employees of the Government Printing Office.

(5) The third proviso in the Act of August 29, 1916 (34 U. S. C. 513).

(6) Sections 931 and 932 of the Foreign Service Act of 1946.

(7) Section 601 of the Independent Offices Appropriation Act, 1952.

(b) Section 2 of the act entitled "An Act to provide for the promotion of substitute employees in the postal service, and for other purposes," approved April 15, 1947 (61 Stat. 40), is amended by striking out the words "and leave."

Saving Provision

SEC. 208 (a) In any case in which—

(1) The amount of accumulated annual leave to the credit of an officer or employee immediately following the end of the last complete biweekly pay period in the calendar year 1952, or corresponding period in the case of an officer or employee who is not paid on the basis of biweekly pay periods, under the provisions of law then applicable to such officer or employee is in excess of the amount allowable under the applicable provisions of section 203, or

(2) the amount of accumulated annual leave to the credit of an officer or employee who is subject to the provisions of section 203 (d) and who becomes subject to the provisions of section 203 (c) is in excess of the amount allowable under section 203 (c),

such excess shall remain to the credit of such officer or employee until used, but the use during any leave year of an amount in excess of the aggregate amount which shall have accrued during such year shall automatically reduce the maximum allowable accumulation at the beginning of the first complete biweekly pay period, or corresponding period in the case of an officer or employee who is not paid on the basis of biweekly pay periods, in the following leave year, until the accumulation of such officer or employee no longer exceeds the amount prescribed in the applicable provisions of section 203.

(b) An officer or employee heretofore subject to a system of leave administered on a calendar-day basis shall be deemed to have to his credit on the effective date of this title five-sevenths day of leave chargeable as provided in section 205 (a) for each calendar day's leave to his credit on such date.

(c) No officer or employee shall be considered, by reason of the enactment of this title, to have been transferred to an agency under a different leave system within the meaning of the act entitled "An Act to provide for the payment to certain Government employees for accumulated or accrued annual leave upon their separation from Government service," approved December 21, 1944 (5 U. S. C. 61d).

(d) Any person who served during the period from December 1, 1950 to January 6, 1952, as an employee in the postal service, other than a substitute rural carrier, under a temporary or indefinite appointment for not less than 90 days and who shall not have been separated from the postal service prior to January 6, 1952, shall be deemed to have earned annual leave at the rate of 15 days per year and sick leave at the rate of 10 days per year, and for such purposes shall receive credit for one-twelfth of a year for each whole calendar month he was carried on the roll as a temporary or indefinite employee during such period.

Effective Date

SEC. 209 This title shall take effect on January 6, 1952, except that paragraph (7) of section 207 (a) shall take effect as of the date of enactment of the Independent Offices Appropriation Act, 1952.

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